

**REMARKS**

Claims 1-10, 13-15 and 17-19 are pending in the current application. The Examiner rejected Claims 1-11, 13-15 and 17-19. Applicant has cancelled Claim 11.

**Claim Rejections – 35 U.S.C. §102**

The Examiner rejected Claims 1-3, 5-7, 9-10, 13-15 and 17-19 under 35 U.S.C. §102(b) as being anticipated by JP2001304145A (hereinafter "Tanaka '145"). Applicant respectfully submits that Tanaka '145 is not prior art under 35 U.S.C. §102(b). The present application claims priority to U.S. Provisional Application 60/412,871 filed on September 23, 2002. Tanaka '145 published on October 31, 2001, less than one year prior to the filing of 60/412,871.

Applicant has amended Independent Claims 1, 6, 13 and 18. Applicant respectfully submits that Claims 1, 6, 13 and 18, as amended, are not anticipated by Tanaka '145. Amended Claim 1 calls for a compressor assembly including, *inter alia*, a housing having an inlet, a compressor mechanism disposed within the housing, the compressor mechanism comprising a fixed scroll member, wherein the fixed scroll member is sealed against the housing to define a suction chamber and a discharge chamber, the compressor mechanism having an inlet in direct fluid communication with the suction chamber, and wherein the suction chamber is in fluid communication with the housing inlet.

Applicant respectfully submits that Tanaka '145 does not disclose or suggest a compressor mechanism inlet in direct fluid communication with a suction chamber where the suction chamber is defined by a fixed scroll member sealed against the housing, as called for in Claim 1. On the contrary, Tanaka '145 discloses that the inlet of compressor mechanism 2 is in direct fluid communication with the housing inlet of housing 1 through suction pipe 11 (Figs. 1, 5 and 6). The refrigerant flows directly from the housing inlet into compression zone 7a of the compressor mechanism without entering a suction chamber defined by a fixed scroll member and a housing, as called for in Claim 1.

Disadvantageously, suction pipe 11 of Tanaka '145 constricts the flow of refrigerant into compression zone 7a. A compressor mechanism having an inlet in fluid communication with a suction chamber could have a larger volume of refrigerant to draw from thereby improving the flow of refrigerant into the compressor mechanism. Also, a suction chamber

can dampen pressure pulses entering the compressor which would not be well dampened by suction pipe 11. Undamped pressure pulses may cause resonance and unwanted noise generation. Further, as a result of the direct fluid communication between the housing inlet and the compressor mechanism inlet of Tanaka '145, the refrigerant entering the compressor does not flow over and cool motor 6. To cool motor 6, a circuit of refrigerant must be routed into motor room 6a through pipes 13 and 14 requiring additional components and cost. Additionally, pipes 13 and 14 must be sealed against housing 1 thereby increasing the quantity of seals required and increasing the possibility of leaks. Therefore, for at least the reasons advanced above, Applicant respectfully submits that Tanaka '145 does not anticipate Independent Claim 1, and Claims 2, 3 and 5 depending therefrom, and requests withdrawal of the rejection thereof.

Amended Claim 6 calls for a compressor including, *inter alia*, a housing defining a high pressure discharge chamber and a low pressure chamber, the housing further defining an inlet opening in fluid communication with the low pressure chamber, and a compressor mechanism disposed within the housing, the compressor mechanism having an inlet in direct fluid communication with the low pressure chamber. Amended Claim 13 calls for a method of controlling the movement and accumulation of oil in a horizontal compressor including the steps of, *inter alia*, providing a sealed housing defining a high pressure chamber and a low pressure chamber, the housing having an inlet, providing a compressor mechanism within the housing, the compressor mechanism having an inlet, and placing the housing inlet and the compressor mechanism inlet in direct fluid communication with the low pressure chamber. Amended Claim 18 calls for a compressor assembly including, *inter alia*, a housing having a low pressure chamber and a high pressure chamber, a suction inlet in the housing, wherein the inlet is in fluid communication with the low pressure chamber, and a compressor mechanism, wherein the compressor mechanism has an inlet in direct fluid communication with the low pressure chamber and an outlet in fluid communication with the high pressure chamber.

Similar to the above, Applicant respectfully submits that amended Independent Claims 6, 13 and 18, and Claims 7, 9, 10, 14, 15, 17 and 19 depending therefrom, are not anticipated by Tanaka '145 as Tanaka '145 does not disclose or suggest a compressor mechanism inlet in direct fluid communication with a low pressure chamber in the housing as called for in Independent Claims 6, 13 and 18.

Application Serial No. 10/657,582  
Amendment dated April 7, 2005  
Reply to Office Action dated January 31, 2005

**Claim Rejections – 35 U.S.C. §103(a)**

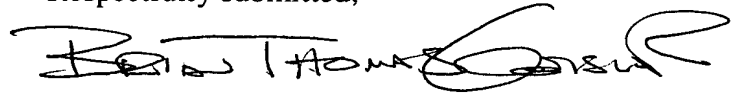
The Examiner rejected Claims 4 and 8, which depend from Independent Claims 1 and 6, respectively, as rendered obvious by Tanaka '145 under 35 U.S.C. §103(a). Applicant respectfully submits that Claims 4 and 8 are patentable over the cited art for at least the reasons advanced above with respect to Claims 1 and 6.

It is believed that the above represents a complete response to the Office Action and reconsideration is requested. Specifically, Applicant respectfully submits that the application is in condition for allowance and such action is earnestly solicited.

In the event Applicant have overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

It is requested that the Examiner telephone the undersigned at 260-424-8000 if such would be of assistance in expediting prosecution of the application.

Respectfully submitted,



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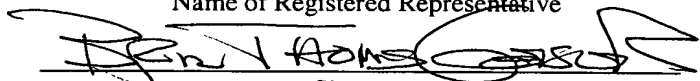
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: April 7, 2005

BRIAN THOMAS GEISLER, REG. NO. 54,115

Name of Registered Representative

  
Signature

April 7, 2005

Date